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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1209-AGR-E **TCEQ ID:** RN104984000 **CASE NO.:** 34314
RESPONDENT NAME: Pottsboro Independent School District

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Pottsboro ISD, 101 West Farm-to-Market Road 120, Pottsboro, Grayson County</p> <p>TYPE OF OPERATION: Agricultural barn</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Two complaints were received on March 22 and April 11, 2006, alleging that the Respondent was discharging wash down water into a small lagoon and creating a nuisance odor. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: Complaints were received but the complainants have not expressed the desire to protest this action or speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Kyle Collier, Superintendent, Pottsboro Independent School District, P.O. Box 555, Pottsboro, Texas 75076 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input checked="" type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: March 22 and April 11, 2006</p> <p>Date of Investigation Relating to this Case: April 25, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 16, 2007 (NOE)</p> <p>Background Facts: This was a follow-up to a complaint investigation. The original complaint investigation was conducted on April 21, 2006. Two violations were documented.</p> <p>WATER</p> <p>1) Failure to properly install and maintain a pond or retention control structure ("RCS"). Specifically, it was observed that a pond was being utilized for the collection of the wastewater from the barn where the pond did not contain a proper lining, and was not certified by a licensed Texas professional engineer [30 TEX. ADMIN. CODE § 321.47(d)(3) & (5)].</p> <p>2) Failure to ensure that a permanent pond marker is maintained in the RCS. Specifically, a TCEQ investigator documented that a permanent pond marker was absent [30 TEX. ADMIN. CODE § 321.47(e)(6)].</p>	<p>Total Assessed: \$3,150</p> <p>Total Deferred: \$630 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,520</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 60 days after the effective date of this Agreed Order:</p> <p>i) Properly install and maintain a pond or RCS that is certified by a licensed Texas professional engineer, in accordance with 30 TEX. ADMIN. CODE § 321;</p> <p>ii) Install a permanent pond marker in the pond or RCS, in accordance with 30 TEX. ADMIN. CODE § 321.47(e)(6); and</p> <p>b) Within 75 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. and a.ii.</p>

Additional ID No(s): None



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	23-Jul-2007	Screening	26-Jul-2007	EPA Due	
	PCW	26-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Pottsboro Independent School District		
Reg. Ent. Ref. No.	RN104984000		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34314	No. of Violations	2
Docket No.	2007-1209-AGR-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Libby Hogue
Multi-Media		EC's Team	EnforcementTeam 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **Subtotals 2, 3, & 7**

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/> X	(mark with x)

Notes

Subtotal 6

Total EB Amounts	\$207
Approx. Cost of Compliance	\$1,600

0% Enhancement* **Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7

Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

DEFERRAL

Reduction

Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 26-Jul-2007

Docket No. 2007-1209-AGR-E

PCW

Respondent Pottsboro Independent School District

Policy Revision 2 (September 2002)

Case ID No. 34314

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104984000

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

A 5% enhancement is recommended for having one NOV for same or similar violations within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 26-Jul-2007

Docket No. 2007-1209-AGR-E

PCW

Respondent Pottsboro Independent School District

Policy Revision 2 (September 2002)

Case ID No. 34314

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104984000

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 321.47(d)(3) & (5)

Violation Description

Failed to properly install and maintain a pond or retention control structure (RCS). Specifically, during an investigation conducted on April 25, 2007, it was observed that a pond was being utilized for the collection of the wastewater from the barn where the pond did not contain a proper lining, and was not certified by a licensed Texas professional engineer.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

92 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended from the date of the investigation (April 25, 2007) through the screening date (July 26, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$193

Violation Final Penalty Total \$2,100

This violation Final Assessed Penalty (adjusted for limits) \$2,100

Economic Benefit Worksheet

Respondent Pottsboro Independent School District
Case ID No. 34314
Reg. Ent. Reference No. RN104984000
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	21-Apr-2006	30-Apr-2008	2.0	\$7	\$135	\$142
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$500	21-Apr-2006	30-Apr-2008	2.0	\$51	n/a	\$51
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to consult with a licensed Texas professional engineer and secure a permit to modify the existing pond or RCS. Date required is the date of the initial complaint investigation and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$193

Screening Date 26-Jul-2007

Docket No. 2007-1209-AGR-E

PCW

Respondent Pottsboro Independent School District

Policy Revision 2 (September 2002)

Case ID No. 34314

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104984000

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 321.47(e)(6)

Violation Description

Failed to ensure that a permanent pond marker (measuring device) is maintained in the RCS. Specifically, during an investigation conducted on April 25, 2007, a TCEQ investigator documented that a permanent pond marker was absent.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

92 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent Pottsboro Independent School District
Case ID No. 34314
Reg. Ent. Reference No. RN104984000
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$100	21-Apr-2006	30-Apr-2008	2.0	\$1	\$14	\$14
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a permanent pond marker. Date required is the date of the initial complaint investigation and the final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$14

Compliance History

Customer/Respondent/Owner-Operator:	CN601030638	Pottsboro Independent School District	Classification: AVERAGE BY DEFAULT	Rating: 3.01
Regulated Entity:	RN104984000	POTTSBORO ISD	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):				
Location:	101 W FM 120, POTTSBORO, TX, 75076		Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	July 26, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 23, 2002 to July 23, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Libby Hogue Phone: 512-239-1165

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

B. Any criminal convictions of the state of Texas and the federal government.
N/A

C. Chronic excessive emissions events.
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 07/17/2007 (565491)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 06/23/2006 (483318)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 321, SubChapter B 321.47
Description: Failure to properly install and maintain a pond or retention control structure (RCS) according to 30 TAC Chapter 321, Subchapter B.

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
POTTSBORO INDEPENDENT
SCHOOL DISTRICT
RN104984000

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1209-AGR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Pottsboro Independent School District ("Pottsboro ISD") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Pottsboro ISD appear before the Commission and together stipulate that:

1. Pottsboro ISD owns and operates an agricultural barn at 101 West Farm-to-Market Road 120 in Pottsboro, Grayson County, Texas (the "Site").
2. Pottsboro ISD has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and Pottsboro ISD agree that the Commission has jurisdiction to enter this Agreed Order, and that Pottsboro ISD is subject to the Commission's jurisdiction.
4. Pottsboro ISD received notice of the violations alleged in Section II ("Allegations") on or about July 21, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Pottsboro ISD of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand One Hundred Fifty Dollars (\$3,150) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Pottsboro ISD has paid Two Thousand Five Hundred Twenty Dollars (\$2,520) of the administrative penalty and Six Hundred Thirty Dollars (\$630) is deferred contingent upon Pottsboro ISD's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Pottsboro ISD fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Pottsboro ISD to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Pottsboro ISD have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Pottsboro ISD has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, Pottsboro ISD is alleged to have:

1. Failed to properly install and maintain a pond or retention control structure ("RCS"), in violation of 30 TEX. ADMIN. CODE § 321.47(d)(3) and (5), as documented during an investigation conducted on April 25, 2007. Specifically, it was observed that a pond was being utilized for the collection of the wastewater from the barn where the pond did not contain a proper lining, and was not certified by a licensed Texas professional engineer.
2. Failed to ensure that a permanent pond marker is maintained in the RCS, in violation of 30 TEX. ADMIN. CODE § 321.47(e)(6), as documented during an investigation conducted on April 25, 2007. Specifically, a TCEQ investigator documented that a permanent pond marker was absent.

III. DENIALS

Pottsboro ISD generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Pottsboro ISD pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Pottsboro ISD's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Pottsboro Independent School District, Docket No. 2007-1209-AGR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Pottsboro ISD shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order:
 - i. Properly install and maintain a pond or RCS that is certified by a licensed Texas professional engineer, in accordance with 30 TEX. ADMIN. CODE § 321; and
 - ii. Install a permanent pond marker in the pond or RCS, in accordance with 30 TEX. ADMIN. CODE § 321.47(e)(6).
 - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

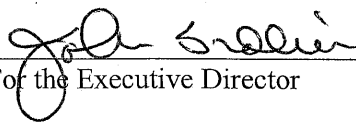
Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Pottsboro ISD. Pottsboro ISD is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If Pottsboro ISD fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Pottsboro ISD's failure to comply is not a violation of this Agreed Order. Pottsboro ISD shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Pottsboro ISD shall notify the Executive Director within seven days after Pottsboro ISD becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Pottsboro ISD shall be made in writing to the Executive Director. Extensions are not effective until Pottsboro ISD receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Pottsboro ISD in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Pottsboro ISD, or three days after the date on which the Commission mails notice of the Order to Pottsboro ISD, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director


12/28/2007
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

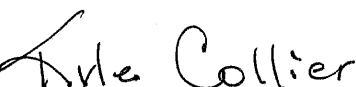
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10-30-07
Date



Name (Printed or typed)
Authorized Representative of
Pottsboro Independent School District

Supt of Schools
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Handwritten text, possibly a title or header, including the word "Handwritten" and "Sample".

Handwritten text, possibly a description or notes, including the word "Sample".

Handwritten text, possibly a signature or date, including the word "Sample".

Handwritten text, possibly a signature or date, including the word "Sample".

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